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SENSITIVE
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SUBJECT: OSCE/FSC: WINTER/SPRING 2009 OPENING OF ROUND
GUIDANCE

REF: (A)USOSCE 310, (B)STATE 150672, (C)MEYER-SILBERBERG
EMAIL 11/13/08 (NOTAL), (D)STATE 125608, (E)USNATO 0004,
(F)USOSCE 318, (G)STATE 134425, (H)WUCHTE-SILBERBERG
EMAIL 1540 PROJECT BUDGET (NOTAL), (I)MARKOFF-WRIGHT
EMAIL WITH INR PAPER 10/28/08 (NOTAL), (J)USNATO 441,
(K)STATE 112027, (L)USOSCE 280

Classified by: Donna A. Phelan, VCI/CCA Acting Office
Director, for reasons 1.4 (b) and (d).

11. (U) This is an action cable. See paras 3-18.

12. (SBU) The events of last fall presented several challenges to the OSCE. How the international community decides to respond to these challenges, including Russia's call for a new European Security Treaty, will ultimately impact the work of the OSCE and FSC. The U.S. position remains clear -- that the OSCE is a vital institution and a crucial link that binds us to Europe and Eurasia. During the 16th Ministerial Council in Helsinki in December 2008, the U.S. reaffirmed its continued support for the OSCE, its principles, and field missions. USdel should reaffirm our support to the OSCE through proactive and cooperative engagement in the FSC.

13. (SBU) The conflict in Georgia in 2008 cast a shadow over the work of the FSC during both sessions that year, and the impact of this conflict clearly carries over into 2009. In this environment, USdel should engage proactively on topics within the FSC, shaping discussions to achieve outcomes in line with U.S. objectives. Maintaining Alliance solidarity continues to remain a priority U.S. objective, and USdel is encouraged to solicit Allies' views and offer early consultations in order to help develop prospective initiatives into proposals we can support. We are aware that many Allies and others are interested in resuming more active engagement, including with Russia, in the FSC. USdel should seek opportunities to engage more vigorously on the substance of issues under discussion, keeping in mind the U.S. goal of seeking ways to improve the implementation of existing CSBMs and commitments. Further guidance will be provided as appropriate.

14. (C) USdel priorities for the winter 2009 session are:

-- Continue to support the overall U.S. response to Russia's military actions in Georgia.

-- Re-affirm the value the U.S. places on the OSCE, and on the FSC as a forum for addressing practical security concerns and implementation of CSBMs.

-- Re-establish U.S. leadership in the FSC and its WGs

through proactive engagement with Allies and, as appropriate, with other pS, on initiatives that support U.S. interests.

-- Clarify the intent behind Russia's November 2008 F-41 notification (that announced new visa procedures), identifying its potential impact on other pS, and reporting Allies' views.

-- Re-assert that the U.S. is eager to engage internationally on various aspects of cyber security issues, specifically defense, mitigation, and remedial strategies while countering/reshaping discussions where the U.S. is not prepared to go.

-- Promote practical, results-oriented initiatives in WGs versus development of projects conducted for the sake of achieving consensus for alternate agendas (i.e., end of session; Ministerial; ASRC and/or AIAM agendas).

-- Re-assert U.S. policy with respect to the work on SA/LW, specifically to resist broadening the current scope of the already agreed OSCE Document on SA/LW.

-- Continue to support U.S. efforts to engage pS, including OSCE Mediterranean Partner countries, on counterproliferation of MANPADS.

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-- Demonstrate U.S. commitment to the Security Dialogue by proposing value-added topics and engaging U.S. speakers as appropriate.

-- Continue emphasis in the FSC to further UNSCR 1540 implementation, including finishing the Best Practice Guide (BPG) and utilizing the Security Dialogue when appropriate, understanding that efforts to promote UNSCR 1540 implementation and to engage the broader OSCE and are ongoing.

-- Coordinate with Allies to ensure a united approach to the AIAM, following up expert discussions in the Verification Coordination Committee (VCC); solicit Allied views on the purpose/timing of the next Heads of Verification (HOV) meeting.

-- Proactively engage the FSC Chairmanships on activities outlined in the 2009 workplan.

CSBMs

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15. (SBU) Washington will continue to consult with Allies regarding proposals for new and existing confidence- and security-building measures (CSBMs). USdel should remain focused on seeking ways to improve implementation of existing CSBMs and commitments. USdel should carefully consider any new proposals for CSBMs. USdel is reminded to oppose new proposals that are Russian or others' attempts to substitute CSBMs for CFE and adapted CFE provisions. However, USdel may engage constructively on the substance of new proposals on other topics, but, as always, should continue to resist consideration of those that appear to have no genuine merit. Further guidance will be provided as necessary.

16. (SBU) Russia warned that it will return in 2009 to all CSBM proposals it has made over the last two years (Ref A). USdel should refer to standing guidance on such proposals (Ref B). This includes continuing to oppose tabled proposals that Washington considers to have no genuine merit:

-- Concrete parameters for a Specified Area: The VCC

considered the Russian proposal for Concrete parameters for a Specified Area and decided discussion should remain in Vienna. With this in mind, Allies may wish to engage Russia on this proposal. U.S. standing guidance, Ref B, which outlines U.S. opposition to this proposal based on a lack of merit, applies and was revalidated during recent discussions in the VCC.

-- Single Deadline on Submission of Defense Planning Info: The U.S. has consistently opposed Russia's proposal for a single deadline of September 20 to submit defense planning information under VD99 (FSC.DEL/494/07/Rev.4). USdel should continue to oppose engaging on this proposal. It is impractical, given differing legislative and budgetary procedures and calendars for pS, and unnecessary, given that most pS for the last 15 years have regularly submitted their defense planning information once available.

Ref A reports that Russia has warned it will return in 2009 to all the CSBM proposals it has made over the last two years, including the proposal on Rapid Reaction Forces (RRF). Last year, in response to Quad interest in offering an alternative proposal, Washington shared with USdel that we had begun a review of possible options. However, this review was put on hold after Russia used military force in Georgia in August 2008. If Quad Allies remind us of the U.S. undertaking to explore a possible counterproposal, USdel should note that we do not see the counterproposal as a priority in the current European security environment. If Quad delegations indicate they remain interested in offering a counter to the Russian proposal should it be re-introduced in 2009, USdel is asked to report to Washington for further guidance.

Code of Conduct

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17. (SBU) In November 2008 a majority of pS expressed a
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strong desire for all pS to conclude discussion on the draft decision for an update to the Code of Conduct questionnaire (FSC.DD/14/08) and determine whether they could live with the document as it stands. The Russian delegation, however, made it clear that the document was still under review in Moscow and Russia would likely submit substantive changes to both the texts of the draft decision and the questionnaire. In November 2008, with the anticipation that additional edits might be proposed from Moscow, the U.S. suggested some additional changes (Ref. C), which are still being considered by the Chair. Should the coordinator re-open the document for Russian edits, USdel should push for its November suggestions also to be incorporated. Once the new version of the document is received, the Department will consult the interagency.

SALW/SCA

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18. (SBU) Decision 11/08 calls for an OSCE meeting on Small Arms and Light Weapons (SA/LW) to be held in 2009 to review the OSCE Document on SA/LW (FSC.DOC/1/00) and its supplementary decisions with a view to explore possible further actions. As has been consistent U.S. policy in this area, Washington is reluctant to expand the nature of work on SA/LW beyond the already agreed scope of the OSCE Document on SA/LW. U.S. policy also maintains a distinct separation between SA/LW and Stockpiles of Conventional Ammunition (SCA), and we would oppose any attempt to consolidate the OSCE SA/LW and SCA normative documents. Should any delegation indicate that it will initiate such an effort, Mission

should seek early informal consultations to make clear our objections in order to avoid confrontation in the WGs. Once the agenda and topics to be addressed during the 2009 meeting are known, Washington will provide further guidance.

(If raised):

¶9. (SBU) If the issue of cluster munitions is raised under this topic or elsewhere, USdel should be clear on U.S. policy on cluster munitions, their use, and related Explosive Remnants of War (ERW) concerns (Ref D). The U.S. does share the concerns of many States regarding the unintended harm to civilians and civilian infrastructure caused by the use of cluster munitions. The U.S. believes that cluster munitions are legitimate weapons and does not support their total ban. When employed properly and in accordance with international humanitarian law, cluster munitions can actually reduce collateral damage to civilians and civilian infrastructure. On June 19, 2008, Secretary Gates signed a new DoD Policy, "Cluster munitions and Unintended Harm to Civilians" that outlines the steps that U.S. armed forces will take to minimize the risk to civilians (www.defenselink.mil/news/d20080709cmpolicy.pdf). As with the Ottawa Convention the U.S. does not consider the Convention on Cluster Munitions (CCM), signed by 94 governments in Oslo on December 3-4, 2008, to be customary international law. The U.S. did not sign the CCM and continues to strongly support negotiations within the framework of the Convention on Conventional Weapons (CCW) on a protocol that would require states to phase in technical improvements to cluster munitions over time, minimizing the humanitarian impact of their use. As with mine action, any OSCE endeavor on cluster munitions, including post conflict clearance of unexploded submunitions, should be fully coordinated with other international, regional, and national efforts.

Security Dialogue

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¶10. (SBU) Washington requests that USdel coordinate with Chairs to promote inclusion of proposals for substantive U.S. presentations on topics that demonstrate U.S. commitment to the Security Dialogue and advance U.S. strategic objectives. As appropriate, USdel should explore the possibilities for presentations on any of the following topics:

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-- Process of transition to a new administration with a focus on security policy;

-- The new national defense strategy (once it is published);

-- WMD report (The World at Risk: The Report of the Commission on the Prevention of WMD Proliferation and Terrorism);

-- the Marshall Center on recent transformations in the school curriculum and how they are staying on the cutting edge in support of Defense Transformations that several pS militaries also are undertaking;

-- USEUCOM and/or USAREUR on military-to-military engagement plans and included spirit of Partnership for Peace Exercise plan;

-- U.S. efforts on MANPADS counterproliferation.

Washington appreciates Mission's initiative in past planning for U.S. presentations for the Security Dialogue. Washington would like to remind USdel that presentations given on behalf of the USG should be cleared by Washington agencies.

VD99: Russian F-41 on New Visa Procedures
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¶11. (SBU) In November 2008, Russia issued an F-41 (CBM/RU/08/0149/F41/O) that says that due to changes in legislation, plane-side visas for inspectors/evaluators who are not from a country with which Russia has an agreement on visa-free travel will only be issued at Kaliningrad, St. Petersburg and the three international airports associated with Moscow (Domodedovo, Sheremetyevo, and Vnukovo). If inspecting teams plan to enter at any other Russian point of entry (POE), all inspectors on the team must obtain visas prior to arrival at the POE. Since 1992, all U.S. teams conducting VD99 activities in Russia have used only the international airports at Moscow and St. Petersburg as POEs and we expect to continue to request use of these POEs. The new procedures could affect U.S. inspectors/evaluators and guest inspectors traveling with a U.S.-led team who do not already possess Russian visas if the requested POE is different from those listed in the F-41. However, because the VD99, per paras 88 and 121, grants the receiving state (in this case, Russia) the final decision on determining the POE, Russia could, while remaining within the letter of VD99, designate a POE other than one we requested.

¶12. (SBU) At their December 17 meeting, VCC Experts agreed that discussion of Russia's new visa procedures, as announced in the November F-41, should continue in Vienna (Ref E). Washington has considered the suggestion by the UK rep in Vienna for a joint statement that criticizes Russia for its change in procedures under the assumption that the new procedures are intended to circumvent VD99 obligations. Discussion with Russia, Allies, and others, as appropriate (since the new visa procedures may have implications for all pS), should take place before we can determine whether an FSC plenary statement is necessary or appropriate. During informal meetings and/or on the margins of the FSC and Working Groups, USdel should seek from Russia clarification on its intent behind the November F-41 notification as well as solicit the views of both Allies and non-Allies. USdel should report results to Washington so that further guidance may be provided as appropriate.

¶13. (SBU) Recognizing Russia's good faith effort to provide information on new visa procedures in an F-41 notification last November, we are not entirely clear on the impact of the new visa procedures on future inspections/evaluations. USdel may draw from the following questions in seeking clarification of the F-41 notification with the Russian delegation:

-- Will Russia routinely divert Vienna Document teams to POEs other than those exempt from the new visa procedures (Kaliningrad, St. Petersburg, and the three international airports associated with Moscow -

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Domodedovo, Sheremetyevo, and Vnukovo)?

-- If POEs other than those exempt from the new procedures are selected, will places to obtain entry visas be designated?

-- How will the new visa procedures impact multinational inspection/evaluation teams?

-- Does the new visa provision have unlimited duration, or is it temporary?

-- Could any special provisions be put in place to ensure that the carrying out of Vienna Document verification measures is not obstructed?

UNSCR 1540

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¶14. (SBU) USdel should continue to promote continued emphasis on furthering the implementation of UNSCR 1540. For more complete guidance that engages the wider OSCE on UNSCR 1540, please see Refs F and G. In the context of the FSC, USdel is encouraged to:

-- Seek completion of the first 1540 Best Practice Guide (BPG) chapter on export control and transshipment.

-- At the same time, USdel should circulate for comment a draft decision to welcome the guide and lobby other ps to author additional chapters, with a view to completing the full BPG as soon as possible, ideally in 2009.

-- If proposed by other delegations, support a group of friends to promote dialogue on UNSCR 1540 as well as a project proposal to second additional staff capacity to work on nonproliferation. See Ref H.

Cyber Security

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¶15. (SBU) The U.S. reluctantly joined consensus on the Estonian-Lithuanian sponsored decision to hold a workshop on cyber security March 17-18, 2009 (FSC.Dec/17/08). Current U.S. policy is that hackers and cyber criminals, not states, are the most urgent cyber threat. The workshop's agenda thus leaves room for discussions to stray into areas the U.S. is not prepared to go at this point, i.e., discussions of nation-state actions in cyberspace and concomitant proposals for treaties or other negotiated constraints on state cyber capabilities. The U.S. has consistently opposed constraints on information technology in other international multinational fora as undesirable, ineffective, and unverifiable. USdel should continue to stress, as it did during the Autumn FSC session (Ref I), that the U.S. believes the most value can come from exchanges on defensive measures and/or strategies, mitigation, and remediation.

¶16. (SBU) During the March workshop, U.S. reps are encouraged to steer the discussions as much as possible toward defense, mitigation, remedial measures, and reducing vulnerabilities, noting that the same defensive strategies are required regardless of the source of an attack. Washington requests that USdel engage informally with the sponsors of the workshop/FSC Chair as soon as possible to learn of potential panel speakers and what they may be likely to say during the workshop as that will likely impact the composition of the U.S. delegation. During informal consultations, USdel should also lay down a marker that workshop discussions, as much as possible, should focus on defensive measures, lessons learned, and the exchange of best practices. USdel should continue to push for the participation of a U.S. speaker (TBC) on one of the panels; our preferences are sessions 1 and/or 2. USdel is requested to report to Washington as soon as possible should opportunities arise for the U.S. to recommend candidates to chair and/or participate in other working session panels. Washington will provide additional guidance as detailed plans for the workshop unfold.

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¶17. (C) In preparing for the Annual Implementation Assessment Meeting (AIAM) on March 3-4, USdel should encourage Allies in Vienna to coordinate in line with discussions in the VCC over the past several months (Refs E, J, and K). VCC experts have been working on a number of papers that Allies can use as references for ensuring active discussion during the AIAM. Some delegations have indicated plans to table papers prior to or during the AIAM that draw from the NATO papers. At the VCC meeting of Experts in Jan, France announced its intention of tabling at the AIAM three of the remaining discussion papers: Briefings by Military Commanders; Use of Digital Cameras and GPS; and, Size of Inspection and Evaluation Teams. In addition, Norway/Denmark may table a paper on Inspection/Evaluation Quota Calculation System. All four of these papers remain under discussion in the VCC while Experts seek consensus on a common NATO approach. However, regardless of the outcome of debate in the VCC, the U.S. has supported the position that any pS may bring up any implementation topic for discussion at the AIAM. Canada, for example, announced it will table a paper on Force Majeure, despite the fact that the draft paper on this topic will not reach consensus in the VCC on a common NATO approach. USdel should be prepared to follow up VCC discussions by encouraging coordination among Allies intent on tabling papers at the AIAM. U.S. interest for the AIAM remains to maintain a unified Allied front through coordination of implementation topics discussed in detail over the past year and to encourage the most productive conversations on positive accomplishments as well as identification of areas for improvement during the March meeting.

Heads of Verification Meeting

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¶18. (C) Ref L reported on the incoming French Chair's decision to move the Heads of Verification (HOV) Meeting from immediately preceding the AIAM in March 2009 to coincident with the data exchange in December 2009. According to Mission's report, despite receiving vocal support from the UK and Sweden, France's decision was made with minimal consultation with Allies, based on the request of one pS. While we objected to holding a formal HOV meeting in conjunction with the AIAM, we are concerned that the process led by the French did not adequately allow for discussion of the issue. We would have preferred if Allies and other interested delegations in the FSC had been consulted ahead of time. Washington also is not convinced that holding an HOV meeting in conjunction with the data exchange in December is the best alternative. USdel should encourage Allies to coordinate, in the future, such decisions in advance. USdel should also solicit views from Allies and others on the HOV meeting's purpose and whether the December date makes sense and report back to Washington.

Engaging the French Chair

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¶19. (C) USdel is encouraged to proactively engage the FSC chairmanships (France, Georgia, and the UK) on activities outlined in the 2009 workplan. Washington is concerned that we will be less responsive in the FSC than desired because the French Chair does not plan to consult with pS in as expansive a manner as previous Chairs. A few recent actions by the French del can be

cited: the process related to the HOV meeting;
declining to invite Dr. David Cooper, in the place of
General Ward (who could not travel to Vienna), to
address the January 28th Security Dialogue on Africom;
and, approaching USdel with a draft workplan for the
Winter/Spring 2009 round only a week before the opening
session. [Note. Past FSC Chairs, for at least the last
three years, have consulted USdel well in advance of
each opening session to discuss their goals/priorities
and the overall workplan of the upcoming FSC session.
We understand similar consultations took place with
other key delegations as well. End Note.] USdel should
seek to determine whether the French are consulting with
other delegations in a similar minimal fashion, or,

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whether it is only the U.S. Taking this as an
indication of how the french plan to carry out their
chairmanship, Washington asks that USdel be more
proactive in engaging the French on FSC work.
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